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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Address to:

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop RCE  
Crystal Plaza Two, Lobby, Room  
1B03  
Arlington, Virginia 22202

Application Number:  
09/622,397

Filing Date: August 16,  
2000

First Named Inventor:  
Hirohisa Kikuyama

Group Art Unit: 1765

Examiner Name: Chen, Kin  
Chan

Attorney Docket Number:  
FUK-75

RECEIVED  
JUN 17 2003  
TC 1700

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Tables of Supporting Data

2. ☐ Miscellaneous

- a. ☐ Suspension of action on the above-identified application is

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requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).

b. ☐ Other \_\_\_\_\_

3. ☒ **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)

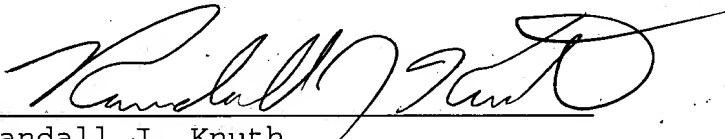
ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$750.00 \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

Respectfully submitted,



Randall J. Knuth

Registration No. 34,644

RJK/mdc

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Date of Deposit June 10, 2003.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Mail Stop RCE, Alexandria, VA 22313-1450

Michael Cooper

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Hirohisa KIKUYAMA et al. ) Art Group: 1765  
Serial No. 09/622,397 )  
Filed: August 16, 2000 )  
Accepted: December 1, 2000 ) Examiner: CHEN, KIN CHAN  
Title: SURFACE TREATING FOR )  
MICROMACHINING AND METHOD )  
FOR SURFACE TREATMENT )

RESPONSE

Hon. Commissioner of Patents  
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Office Action dated October 10, 2002, and to the Notice of Appeal, filed April 10, 2003, Applicants hereby submit the following:

REMARKS

Claims 1-4 and 9 are pending and rejected in this application.

Claim 20 is added hereby. Applicants submit that no new matter is included therein.

Responsive to the rejection of claims 1-4 and 9 under 35 USC § 103

5 (a) as being unpatentable over U.S. Patent Number 4,795,582 (Ohmi et al),

Applicants hereby submit further data provided by the inventors (labeled as Tables A-C in the attachment) and hereby otherwise respectfully traverse this rejection and submit that claims 1-4 and 9 are now in condition for allowance.